



## Senate

General Assembly

**File No. 84**

January Session, 2009

Senate Bill No. 789

*Senate, March 16, 2009*

The Committee on Human Services reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE SHARING OF INFORMATION BETWEEN  
THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE  
DEPARTMENT OF DEVELOPMENTAL SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 17a-28 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2009*):

4 (g) When the commissioner or his designee determines it to be in a  
5 person's best interest, the commissioner or his designee may disclose  
6 records, whether or not created by the department and not otherwise  
7 privileged or confidential communications under state or federal law,  
8 without the consent of a person to:

9 (1) Multidisciplinary teams which are formed to assist the  
10 department in investigation, evaluation or treatment of child abuse  
11 and neglect cases or a multidisciplinary provider of professional  
12 treatment services under contract with the department for a child

13 referred to the provider;

14 (2) Any agency in another state which is responsible for  
15 investigating or protecting against child abuse or neglect for the  
16 purpose of investigating a child abuse case;

17 (3) An individual, including a physician, authorized pursuant to  
18 section 17a-101f to place a child in protective custody if such  
19 individual has before him a child whom he reasonably suspects may  
20 be a victim of abuse or neglect and such individual requires the  
21 information in a record in order to determine whether to place the  
22 child in protective custody;

23 (4) An individual or public or private agency responsible for a  
24 person's care or custody and authorized by the department to  
25 diagnose, care for, treat or supervise a child who is the subject of a  
26 record of child abuse or neglect or a public or private agency  
27 responsible for a person's education for a purpose related to the  
28 individual's or agency's responsibilities;

29 (5) The Attorney General or any assistant attorney general  
30 providing legal counsel for the department;

31 (6) Individuals or public or private agencies engaged in medical,  
32 psychological or psychiatric diagnosis or treatment of a person  
33 perpetrating the abuse or who is unwilling or unable to protect the  
34 child from abuse or neglect when the commissioner or his designee  
35 determines that the disclosure is needed to accomplish the objectives  
36 of diagnosis or treatment;

37 (7) A person who reports child abuse pursuant to sections 17a-101a  
38 to 17a-101c, inclusive, and section 17a-103, who made a report of abuse  
39 involving the subject child, provided the information disclosed is  
40 limited to (A) the status of the investigation and (B) in general terms,  
41 any action taken by the department;

42 (8) An individual conducting bona fide research, provided no  
43 information identifying the subjects of records shall be disclosed

44 unless (A) such information is essential to the purpose of the research;  
45 (B) each person identified in a record or his authorized representative  
46 has authorized such disclosure in writing; and (C) the department has  
47 given written approval;

48 (9) The Auditors of Public Accounts or their representative,  
49 provided no information identifying the subjects of the records shall be  
50 disclosed unless such information is essential to an audit conducted  
51 pursuant to section 2-90;

52 (10) The Department of Social Services, provided the information  
53 disclosed is necessary to promote the health, safety and welfare of the  
54 child;

55 (11) A judge of the Superior Court for purposes of determining the  
56 appropriate disposition of a child convicted as delinquent or a child  
57 who is a member of a family with service needs; [and]

58 (12) The superintendents, or their designees, of state-operated  
59 facilities within the department; and

60 (13) The Department of Developmental Services, to allow said  
61 department to determine eligibility, facilitate enrollment and plan for  
62 the provision of services to a child, who is a client of said department  
63 but who is not yet participating in said department's voluntary  
64 services program. Records provided pursuant to this subdivision shall  
65 be limited to a written summary of any investigation conducted by the  
66 Department of Children and Families pursuant to section 17a-101g. At  
67 the time that a parent or guardian completes an application for  
68 enrollment of a child in the Department of Developmental Services  
69 voluntary services program, said department shall notify such parent  
70 or guardian that records specified in this subdivision may be provided  
71 by the Department of Children and Families to the Department of  
72 Developmental Services without the consent of such parent or  
73 guardian.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>October 1, 2009</i>	17a-28(g)
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**PH**      *Joint Favorable C/R*

HS

**HS**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill permits limited sharing of information between the Department of Children and Families (DCF) and the Department of Developmental Services (DDS) with regard to children who are DDS clients entering the Voluntary Services Program. Both agencies can accommodate the provisions of the bill with no fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

*Source: Public Hearing Testimony 2/06, DDS Website: Voluntary Services Program*

**OLR Bill Analysis****SB 789*****AN ACT CONCERNING THE SHARING OF INFORMATION  
BETWEEN THE DEPARTMENT OF CHILDREN AND FAMILIES AND  
THE DEPARTMENT OF DEVELOPMENTAL SERVICES.*****SUMMARY:**

This bill allows limited disclosure of Department of Children and Families (DCF) records to the Department of Developmental Services (DDS) without the consent of the person named in the records. In order for DDS to determine a child's eligibility for its Voluntary Services Program (the child must already be a DDS client), assist the child's enrollment in the program, and plan services for the child, the bill allows DCF to disclose a written summary of any child abuse or neglect investigation it conducted. DDS must notify parents and guardians when they apply to enroll a child in the program that it may obtain these records from DCF without their consent.

By law, DCF can already disclose records, whether it or someone else created them, without consent, in a variety of other situations. Like these disclosures, before releasing a record under the bill, DCF must determine disclosure is in a person's best interest and that the records are not privileged or confidential under state or federal law.

EFFECTIVE DATE: October 1, 2009

**BACKGROUND*****Related Bill***

SB 756 permits the DDS commissioner to require applicants for a job with DDS job or a provider it licenses or funds to submit to a check of DCF's child abuse registry. The Public Health Committee reported the bill to the Human Services Committee on February 18.

**COMMITTEE ACTION**

## Public Health Committee

Joint Favorable Change of Reference

Yea 30 Nay 0 (02/18/2009)

## Human Services Committee

Joint Favorable

Yea 18 Nay 0 (02/26/2009)